

RESOLUTION NO. R-2013-029

A RESOLUTION of the City Council of the City of Yakima, Washington, providing for the submission to the voters of the City of Yakima a Proposition on whether Article VI of the Charter of the City of Yakima should be amended to add new Section 8 establishing a dedicated street overlay and reconstruction fund, to be funded in the amount of no less than Two Million Dollars annually, adjusted annually per consumer price index, and limiting expenditures from such fund to the dedicated purposes of street overlay and reconstruction; and requesting the Yakima County Auditor to submit the Proposition to the voters on the regular municipal primary election to be held August 6, 2013.

WHEREAS, Chapter 35.22 of the Revised Code of Washington (RCW) authorizes first class cities of the State of Washington to amend and revise their charters upon approval by a majority of the qualified voters of the city voting in a general or special election called for that purpose; and

WHEREAS, an amendment of the charter may be initiated by the City Council through the approval of a resolution requesting that a proposition be submitted to the qualified voters in the City to decide whether the City should adopt an amendment to Article VI of the Charter of the City of Yakima to add new Section 8 establishing a dedicated street overlay and reconstruction fund to be funded annually from the General Fund budget in an amount no less than Two Million Dollars (\$2,000,000), which amount shall be adjusted annually in accordance with the annual change in the June U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) West Region, and further providing that the City Council shall make no other use of this Fund than as provided in such Section 8; and

WHEREAS, the City Council desires to hold an election in the City of Yakima on the regular municipal primary election date of August 6, 2013, for the purpose of submitting to the qualified voters of the City the proposition of whether the City of Yakima should approve the amendment to the Charter as described above, all as set forth in the proposed amendment to Article VI of the Charter to add new Section 8 attached hereto as Exhibit "A;" and

WHEREAS, the City Council finds and determines that the best interests and general welfare of the City of Yakima would be served by submitting to the qualified voters in the City the proposition of whether the City of Yakima should approve the amendment to the Charter as set forth herein, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

1. The proposition to be submitted at the August 6, 2013 regular municipal primary election shall be in the form of a ballot title as follows:

PROPOSITION NO. 1
ADOPTION OF AMENDMENT TO CHARTER OF THE CITY OF YAKIMA

PROPOSITION NO. 1 concerns an amendment of the City of Yakima Charter. This measure amends Charter Article VI adding new Section 8 creating a dedicated street overlay and reconstruction fund, funded annually in the amount of no less than Two Million Dollars from the general fund budget, adjusted annually in accordance with consumer price index, and providing that expenditures from such fund be limited to such street overlay and reconstruction. Should this proposition be approved?

YES.....[]
NO.....[]

2. The City Clerk is authorized and directed to file a certified copy of this resolution with the Yakima County Auditor.
3. The Yakima County Auditor is requested to call and conduct an election to be held in the City of Yakima on the regular municipal primary election day of August 6, 2013, for the purpose of submitting to the qualified voters of the City of Yakima the proposition set forth in Section 1 above.
4. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

ADOPTED BY THE CITY COUNCIL this 19th day of February, 2013.

/s/ Micah Cawley
Micah Cawley, Mayor

ATTEST:

/s/ Sonya Claar Tee
City Clerk

APPROVED AS TO FORM:

/s/ Jeff Cutter
Jeff Cutter, City Attorney

EXHIBIT “A”

BALLOT PROPOSITION AMENDING CITY CHARTER

ARTICLE VI, SECTION 8.

(To Be Added As A New Section)

There shall be a dedicated street overlay and reconstruction fund, reserved for the enhancement in quality and value of City street infrastructure, of no less than Two Million Dollars annually in the City's General Fund budget. This dedicated fund base amount of Two Million Dollars shall be adjusted annually in accord with the annual change in the June U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) West Region. The City Council shall make no other use of this fund than as is provided in this Section.